



U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 20, 2018

**BY ECF AND EMAIL**

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: United States v. Abdulrahman El Bahnasawy, S1 16 Cr. 376 (RMB)**

Dear Judge Berman:

The Government respectfully writes in opposition to the defense's letter request, dated September 20, 2018 ("Def. Ltr."), for a further adjournment of the defendant's sentencing. While the Government is sympathetic to counsel's personal circumstances, the Government and the public share important interests in having the sentencing in this terrorism case – which has already been delayed for nearly *a year* as a result of the defense's prior adjournment requests – carried out without any further delay, and the Government therefore opposes the defense's adjournment request.

As an initial matter, the defense's stated reason for the instant request – the need for additional time to prepare the defendant for sentencing (Def. Ltr. at 1) – rings hollow in light of the history of adjournments in this case and the lengthy period of time the defense team (comprising three Federal Defenders and two retained attorneys) has already had to prepare the defendant for the sentencing proceeding. Indeed, the defense's latest adjournment request marks the *fifth* such request. As the Court is aware, at a conference on June 8, 2017, the Court scheduled sentencing for October 30, 2017, well beyond the typical presentence period of 90 to 120 days. Since that date, the defense has made no fewer than four prior requests for an adjournment of the sentencing, for a variety of asserted reasons, including the defendant's asserted mental health and addiction issues. (*See* Dkt. 54, 83, 87, 111). Now, just five days before sentencing, and more than one year after its first adjournment request (*see* Dkt. 54), the

defense is again requesting a multi-month adjournment. In light of this history, any further delay is simply unwarranted.<sup>1</sup>

Moreover, as indicated in the defense's letter, the instant adjournment request has nothing to do with the defense team's availability on the scheduled sentencing date of September 25, which has been on the calendar (without objection) since June 15, 2018 (*see* Dkt. 116). While not discussed in the defense's letter, the defense team has informed the Government that the instant adjournment request is, at least in part, driven by its desire for additional time to file a reply to the Government's sentencing submission, which was filed more than six months ago. (*See* Dkt. 99). Indeed, the defense has twice before – first, on June 5, 2018, and again on September 6, 2018 – informed the Government that it intended to file such a reply, but did not do so. Having had more than six months to file a reply (which is not even contemplated by the pre-sentencing briefing schedule set by the Court), there is no valid reason why the defense should be allowed to delay sentencing in order to file an eleventh-hour reply brief.

This criminal case has been pending before this Court for more than two years, and the defense has now had more than a year to prepare for sentencing. As in all criminal cases, the Government and the public share an important interest in having sentencing carried out promptly and without unwarranted delay. Indeed, the public and governmental interests in a prompt sentencing is heightened in this case, which involves a defendant convicted of plotting to carry out terrorist bombings in New York City on behalf of the Islamic State of Iraq and al-Sham.

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<sup>1</sup> In considering the defense's request for an adjournment and the delay that may be caused by any such adjournment, the Government wishes to inform the Court of the following scheduling conflicts: AUSA Tekei is not available from October 2 through October 5, 2018, and will be starting an approximately three-week-long trial on November 19, 2018; and AUSA Turner has a two-week-long trial beginning October 29, 2018, and will be starting another trial on December 3, 2018, for which the Court has set aside three weeks. The defense's letter claims that the Government "declined to respond" to its request for our availability; in fact, the Government simply informed the defense that it would provide its availability by way of separate letter, as we have above.

Therefore, the Government respectfully requests that the Court proceed to sentencing, as scheduled, on September 25 at 10 a.m.

Respectfully submitted,

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